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Response To Comments on Draft RAM Plan
 343-351 Summer Street, Somerville, MA; RTNs 3-33735 & 3-34098

July 11, 2017
 Page 1

RESPONSE TO COMMENTS ON DRAFT RAM PLAN

**343-351 SUMMER STREET
 SOMERVILLE, MASSACHUSETTS
 RTNs 3-33735 AND 3-34098**

July 11, 2017

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, §2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On March 8, 2017, 351 Summer LLC received a petition from residents in Somerville requesting public involvement in any Immediate Response Actions and/or Release Abatement Measures taking place at this disposal site, in accordance with M.G.L. c. 21E §14(a) and 310 CMR 40.1403(9).

A draft Release Abatement Measure (RAM) Plan was made available for review and comment on May 19, 2017. As required by the MCP (310 CMR 40.1304(9)), a 20-day public comment period was provided and scheduled to close on Wednesday, June 7, 2017 at 11:59 pm. This comment period was extended to June 11, 2017 by 351 Summer LLC. The public comments received during this period were considered, and where relevant and appropriate, incorporated into the final Release Abatement Measure Plan submitted by 351 Summer LLC to MassDEP on June 19, 2017.

The following individuals provided written comments during the comment period:

Name	Initials	Comment Date
Marc Maxwell	MM	June 8, 2017
Joseph Tierney	JT	June 10, 2017
Bob Dempkowski	BD	June 11, 2017
Nancy Iappini	NI	June 11, 2017
Karina Wilkinson and Roger Schwarzschild	KW/RS	June 11, 2017
Catherine Guthrie	CG	June 11, 2017
Tomas Bok	TB	June 11, 2017
George O'Shea	GO	June 11, 2017

Following the public comment period, the MCP (310 CMR 40.1403(9)(c)(4)) provides for a 30-day period for 351 Summer LLC to provide a written summary of, and response to, the public comments. This response period ends July 11, 2017.

Presented below is the written summary of the public comments received during the public comment period (May 18 through June 11, 2017) and the response to relevant comments in blue text. Where similar, comments have been grouped to facilitate a response, which is provided immediately below the similar comments. Along with each summary, the commenter's initials have been included for reference. Copies of the comments received are attached.



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SCOPE OF RAM PLAN

- *(JT) The remediation work described in the RAM describes the work in response to RTN 3-33753 as a result of a damaged underground storage tank, (e.g. removal and testing of 8,000 cubic yards of contaminated soil), but what is the detailed response to RTN 3-34098 and the measured contamination at 351 Summer?*

As stated in Section 1.0 of the final RAM Plan, the RAM Plan applies to both RTN 3-33735 and 3-34098.

DUST MONITORING AND MITIGATION

- *(MM) How the hazardous and non-hazardous materials will be excavated from the site and the amount of dust, mud and debris that may be made friable, liquid or dry dust limited from migrating off the site. How will such potentially hazardous dust and debris be controlled?*
- *(MM) What procedures will be put in place to assure that proper dust, mud and debris mitigation is in fact the rule on the site to minimize exposure to the neighborhood?*
- *(MM) What procedures and compliance methods will be put in place to keep dust, dirt, mud and potential water run-off from migrating onto the public streets and sidewalks surrounding the site? Who and how should we inform in case we have concerns or evidence of non-compliance or unintended dust or run-off?*

Dust monitoring procedures and mitigation methods are described in the Dust Monitoring Plan, included as Appendix C to the final RAM Plan. The Soil Management Plan, included as Appendix A to the final RAM Plan, describes procedures to prevent the transport of soil on truck tires to the public roadways. Contact information for the Responsible Party and Massachusetts Licensed Site Professional is included in Section 4.0 of the final RAM Plan. In addition, a toll free number has been established by the developer to serve as a clearinghouse for project-related questions. That number was distributed to the project mailing list by email on June 18, 2017.

- *(NI) Appendix C Dust and Vapor Monitoring Plan - Do not offer much about dust control and protection to the residents.
1. What will be done on a windy day?*

Dust monitoring and mitigation, if necessary, will be conducted as described in the Dust Monitoring Plan.

- 2. *What type of barrier will be put up to protect families especially abutters at the rear shared lot line?*

Installation of a barrier to dust migration is not feasible and is not proposed. No barrier can stop wind and potential dust migration; it can only be redirected. The approach taken in the RAM Plan is to mitigate dust generation through wetting and monitor the effectiveness using appropriate methodology. This approach is described in the Dust Monitoring Plan included as Appendix C to the RAM Plan.

3. *Are vapors expected to be a problem for this site? Do they exist? Will they occur?*
4. *Why is the word "Vapor" not included in the title of this attachment? What vapors are expected, as noted in 3.0 Mitigation Measures on p.2?*

Based on the site investigations conducted to date, volatile organic compounds (VOC), which might lead to the presence of vapors, have not been detected in soil or groundwater at concentrations which might pose a risk to human health. Therefore, a specific vapor monitoring program is not warranted. However, routine screening of excavated soil is conducted using a photoionization detector out of an abundance of caution.

5. *Page 1, 1.0 - Please provide a more specific 'schedule for work to be conducted' at the site in the RAM*

A RAM implementation schedule is provided in Section 4.4 of the RAM Plan. A specific start date is provided. Following project start, specific project dates cannot be determined due to variations in weather, subcontractor availability, disposal facility daily volume limits, etc.

6. *Please describe how the water or foam is applied to suppress vapor and dust?*

The actual process of water or foam application is not relevant to the RAM Plan, only that the dust or foam effectively wets the soil surface to minimize soil to air contact and the generation of airborne, dust-size particles.

7. *We request that neighbors/DEP be timely informed of the perimeter monitoring levels for air and dust and vapors. What is considered an elevated dust particle concentration? What is considered an elevated vapor concentration?*
8. *Would vapor reduction measures along the rear property line be included? If not, please explain why not. If so, please state what they will be and who is in charge of running them and reporting on their results;*

As described in the Dust Monitoring Plan, average PM-10 dust concentration readings will be recorded periodically through each day of excavation and site work. A dust monitoring action level, as described in the Dust Monitoring Plan, of 150 ug/m³ has been adopted and will trigger mitigation measures if achieved. As volatile organic compounds have not been detected in soil or groundwater on-site at significant concentrations, no vapor monitoring program was proposed. However, routine monitoring of excavated soil for volatile vapors will be conducted out of an abundance of caution.

9. *Section 1.1 Dust monitoring - Hours of site work are suggested to be 7 am to 5 pm daily except Sundays. If site work results in dust moving around up till, for example, 5 pm daily, but monitoring is stopped at 5 pm because the workers are done for the day, will the dust take time to settle? If so we request monitoring during that settle period. Will work cease before 5 pm to stop dust movement? How can watering down get particles that have not yet settled if workers depart?*

Dust monitoring procedures and mitigation methods are described in the Dust Monitoring Plan, included as Appendix C to the final RAM Plan. The Soil Management Plan, included as Appendix A to the final RAM Plan, describes procedures to prevent the transport of soil on truck tires to the public roadways. Contact information for the Responsible Party and Massachusetts Licensed Site Professional is included in Section 4.0 of the final RAM Plan. In addition, a toll free number

has been established by the developer to serve as a clearinghouse for project-related questions. That number was distributed to the project mailing list by email on June 18, 2017.

- *(KW/RS) In the Dust Monitoring Plan (Appendix C, 2.1 Daily Monitoring), it needs to be clarified that daily monitoring will take place during excavation as well as for “the duration of construction.” As air samples will be taken daily, they should include tests for ground-level ozone and fine particulate matter to determine whether the work is bringing the neighborhood to unhealthy levels as discussed in point 4.*

Air monitoring for the presence of ground-level ozone and fine-particulates are not regulated under MGL c. 21E and the Massachusetts Contingency Plan (MCP) and are not included in the Dust Monitoring Plan provided as Appendix C of the RAM Plan.

- *(TB) As the parent of 2 young children, I am concerned about the potential for hazardous compounds from the site to affect my property during excavation and transportation of contaminated soil. I want to inquire about the safe transportation of soils containing carcinogens such as benzo(a)pyrene. As dump trucks load at the site and drive past my house, what measures will be in effect to control/contain dust and contaminants from the soil so that they don't end up in my yard where my children play? And with all of the vehicle traffic and the need to wash tires of every vehicle, what measures will be used to prevent contaminants from migrating to the street, sidewalk, and gutter?*
- *(JT) Appendix D, “Focused Risk Assessment,” is aimed at protecting workers on-site at 343-351 Summer Street. Where are similar descriptions of the precautions that need to be taken to protect abutters on Hawthorne and Summer Streets, during the construction period and following?*

Dust monitoring procedures and mitigation methods are described in the Dust Monitoring Plan, included as Appendix C to the final RAM Plan. The Soil Management Plan, included as Appendix A to the final RAM Plan, describes procedures to prevent the transport of soil on truck tires to the public roadways. Contact information for the Responsible Party and Massachusetts Licensed Site Professional is included in Section 4.0 of the final RAM Plan. In addition, a toll free number has been established by the developer to serve as a clearinghouse for project-related questions. That number was distributed to the project mailing list by email on June 18, 2017.

SOIL MANAGEMENT

- *(MM) Will a washing station be provided on site for hosing down wheels and undercarriages of trucks and equipment leaving the site?*
- *(MM) How will dirty, muddy, soil rich or contaminated water be handled from the site (either from a washing station or simply from rain) without running into Summer Street, gutters and curbs, and the surrounding storm drainage system?*
- *(MM) Will hazardous or contaminated materials ever be excavated and stored on site? If so, what measures will be taken to assure minimal exposure to residents abutting the site or pedestrians traversing the neighborhood?*

The Soil Management Plan, included as Appendix A to the final RAM Plan, describes procedures to prevent the transport of soil on truck tires to the public roadways, as well as the procedure to be followed for the temporary on-site stockpiling of soil pending off-site transportation and disposal.

- (JT) The amount of soil to be remediated because of the presence of Lead (level on 351 Summer at 431 mg/kg), and benzo(a)pyrene (level on 351 Summer at 2.7mg/kg) by supervised removal to approved off-site locations is not clearly spelled out. At the top of page 2 the TMP states: "Therefore, the preliminary Disposal Site Boundary for this RTN encompasses the entirety of both the 343-349 and 351 Summer Street parcels from ground surface to a depth of approximately 15 feet bgs and is depicted on Figure 2. " following up on this statement will produce (at 0.93 acres for the two lots, and a depth of 15 feet), 22,506 cubic yards of soil. If all of this soil needs to be carefully transported elsewhere for disposal it will require (at 15 cubic yards per three axle truckload) 1500 truck trips. Can you please go from that figure and show clearly how it has been determined that only 8,000 cubic yards of soil need to be transported off-site without exposing abutters, workers on the site, and final occupants of the project, to serious hazard?
- (KW/RS) The preliminary Disposal Site Boundary as outlined in Section 2.2 of the RAM for Release Tracking Number (RTN) 3-34098 includes all .93 acres of the two properties and goes to 15 feet down. That encompasses some 22,500 cubic yards of soil, not including the 5 tons that were removed following the oil spill that occurred on 343-349 Summer Street on August 8, 2016. How was it determined that 8,000 cubic yards should be removed? That leaves some 14,500 cubic yards of soil, which contains lead, benzo(a)pyrene and polycyclic aromatic hydrocarbons in reportable concentrations.
- (CG) I'd like to reiterate Joseph Tierney's request for clarification on how you got to the 8,000 cubic yards of soil number. Could you please explain?

Please refer to Section 4.2 of the RAM Plan for information on the volume of soil requiring export and off-site disposal.

- (NI) p. 6, 4.3.2 – Onsite Reuse, Transport and Reuse, of Off-site Soil Disposal: Will contaminated soil be re used on site?

Please refer to Section 4.3.2 of the RAM Plan for information on the potential on-site reuse of soil.

- (NI) p. 6, 4.3.3 & 4.4 – Stockpiling, Toxicity Characteristic
 1. It appears on Figure 2 Site Plan that close to 30 soil borings were performed but only 14 soil samples submitted for TCLP lead analysis – why, and why were they submitted only for lead since there are other toxins exceeding reportable conditions? Will the complete set of soil samples be submitted for analysis? If they have already been, please share results with neighbors/DEP.

A detailed description of the TCLP method and application is not relevant to the RAM Plan, however, the following description is provided for information purposes. Toxicity characteristic leaching procedure (TCLP) is a soil sample extraction method for chemical analysis employed as an analytical method to simulate leaching through a landfill. The testing methodology is used to determine if a waste is characteristically hazardous, i.e., classified as one of the "D" listed wastes by the U.S. Environmental Protection Agency (EPA). The extract is analyzed for substances appropriate to the protocol. Since a 20x dilution of solid to liquid is specified in the method, only soil analytical results which exceed the TCLP leachate criteria by a factor of 20x can theoretically exceed the TCLP leachate criteria. Therefore, only lead concentrations in soil greater than 100 mg/Kg can theoretically exceed the lead TCLP leachate criteria of 5 mg/l. All of the site soil samples with lead concentrations in soil greater than 100 mg/kg were extracted and testing using

the TCLP method and no lead in TCLP leachate concentrations was greater than 5 mg/l. Therefore, none of the site soil is classified as "characteristically hazardous."

2. *Will stockpiling of contaminated soil take place? If so when and for how long? If it is allowed, we request that it be located on 351 Summer Street near the VFW building, not near the rear property line of Hawthorne Street, not near humans and domestic animals.*
 3. *Will it be transported offsite; if so at what point, and if not, why not. Will there be onsite reuse of contaminated soil; if so, why and where will the contaminated soil to be reused be located? How is it determined to be safe enough to be below reportable levels? We request sampling of stockpiled soil please and share results with neighbors/DEP.*
- (NI) 5.2 – Similar Soils Management
 1. *Has a disposal facility approved under MSRs been identified that will take the soil – who is it?*
 2. *Who determines whether the soil is suitable or unsuitable for construction or redevelopment?*
 3. *How is it determined?*

Please refer to Section 4.3 of the RAM Plan for information on the procedures for on-site soil stockpiling and off-site disposal.

- (NI) *We request that the soil management plan and traffic management plan by Mr. Bird be part of the RAM plan.*

The Soil Management Plan is included in both the draft and final RAM Plans as Appendix A. The Traffic Management Plan is not subject to regulation under the MCP and is not included in the RAM Plan. The Traffic Management Plan was prepared for the City of Somerville, at the request of the Planning Division and the Traffic and Parking Department. The Traffic Management Plan is available electronically on the City of Somerville, Planning Division web site.

- (GO) *Why is only 18 inches of 343-349 to be removed*

The reason for the removal of 18-inches of soil on the 343-351 is not relevant to the RAM Plan, as it is based on geotechnical suitability of the soils for paving sub-base.

- (GO) *Since all contaminated soil is not being removed How much contamination will be left at the 343-349 Summer Street*
- (GO) *What is the toxicity of soil left?*

The volume and soil remaining on-site and the concentrations of contaminants in remaining soil are not relevant to the objectives and requirements of the RAM Plan and will be addressed during potential future response actions and documented in potential comprehensive response action submittals and a permanent solution.

TRAFFIC MANAGEMENT

- (MM) *What is the route on and off the site for the myriad of trucks and heavy equipment that will be required to execute this excavation and hazardous material removal? While there are only so many options for public streets surrounding and accessing the site, those of us who live on the small one way surrounding streets fear the traffic, dust and dirt of 400 +/- triple axle dump trucks*

traversing our residential streets. My personal fear is that Windom Street will be used a short cut to turn right on Elm Street, to Cutter to Highland Avenue for trucks headed towards I-93 to the north. Vehicles darting across Summer Street from the Post lot to Windom Street is already a problem.

- (JT) To preclude three axle trucks from wandering in the vicinity of Powderhouse and Davis Squares and Mystic Avenue, because of the ambiguous or incorrect directions let me offer the following corrections:
 1. In the first section "Access route to the project site" line 1. Should indicate Exit 31 South, not Exit 30. Line 3. Should be augmented to indicate "continue straight across Powderhouse Square onto College Avenue" In the section "egress from the project site" line 4. Should read "travel for 0.22 miles to Powderhouse Square". Line 5. Should read "turn right onto Warner Street" I don't believe it is called Harvard St. at that place.
- (KW/RS) In the TMP, it is stated there will be approximately 400 to 600 truckloads of excess soil (3.2.3) that will be transported from 7am to 3pm, except Sunday. In the "Hours of Operation" section, it is stated that "If work is to be done on Saturdays or state/federal holidays that work shall not begin before 8:00am." The consultant is mistaken about the current construction noise ordinance for the City of Somerville which provides that construction can start no earlier than 9am on Saturdays, and no work can be done on holidays.
- (KW/RS) Diesel truck trips contribute to air pollution. We request that no truck trips take place during the weekday rush hour from 7am to 9am. Rush hour will increase the time it takes for the trucks to get to the site and, therefore, increase the concentrations of ground-level ozone and fine particulate matter generated by the trucks. Both ozone and particulate matter are regulated by the Clean Air Act, because they negatively impact the health of people with respiratory problems, including asthma, and particulate matter additionally negatively impacts the health of people with heart disease. The EPA has set a standard for "Good" air quality at an Air Quality Index (AQI) from 0 to 50 for both ozone and particulate matter. Because of the likelihood that 15 to 30 truck trips per day will contribute to ground-level ozone and particulate matter (assuming that the transport is distributed evenly over the 20 to 30 work days), we request that no trips be allowed on days when the DEP is forecasting an AQI above 50 for either ozone or particulate matter, since the truck exhaust could push the area from "Moderate" (51 to 100) into "Unhealthy for Sensitive Individuals" (101 to 150) or "Unhealthy" (151 to 200).² Also, the soil excavation itself will contribute dust particles on top of the diesel exhaust from the trucks. Without conducting a systematic survey of the neighbors, we are nevertheless aware of 6 neighbors within approximately 350 feet of the location with asthma or respiratory problems. Three of them are children and one senior adult has severe asthma.
- (KW/RS) At peak staffing, where will the construction workers' vehicles be parked? What commitment is the developer willing to make beyond "encouraging carpooling"? (TMP 3.2.1)
- (KW/RS) Where will the trucks be staged for deliveries? The TMP outlines an area in Medford to stage the trucks for the soil excavation but does not mention where the delivery trucks will be staged. Trucks should not be allowed to idle. We request that deliveries be on a "just in time" basis to the site and there be limitations on the timing of deliveries to avoid peak traffic periods. (3.2.2)
- (CG) I'd also like to underscore Karina Wilkinson's request that construction abides by the City's noise ordinance of starting no earlier than 9am on Saturdays and no work on holidays. And that no truck trips take place during morning rush hour, from 7am to 9am. Per the traffic management plan, the trucks will exit down Willow Ave or (worse) through the middle of Davis Square to reach Dover. Both routes are typically extremely busy during rush hour leading to multi-block back ups. Running trucks during morning rush hour will result in idling as the trucks



inevitably sit in morning traffic. The City could easily avoid this scenario by limiting the hours drivers are allowed to make trips.

The Traffic Management Plan and potential air pollution associated with vehicle traffic are not subject to regulation under the MCP and, as such, are not addressed in the RAM Plan. The Traffic Management Plan was prepared for, and approved by, the City of Somerville Planning Division and the Traffic and Parking Department. The Traffic Management Plan is available electronically on the City of Somerville, Planning Division web site.

HEALTH AND SAFETY PLAN

- *(NI) Page 8 references potential heat stress conditions in warmer weather. Please tell me how your work plan and mitigation techniques help my domestic pets (and me and my family when we are home during site activities) with heat stress when we have to be in an enclosed indoor environment due to the clean up?*

The Health & Safety Plan and mitigation techniques presented in the RAM Plan are relevant only to on-site workers.

PROJECT CONTACTS AND RESPONSIBILITY

- *(MM) Who will insure compliance with approved procedures?*
- *(MM) Who will be our contact to report issues we feel make the neighborhood unsafe during this process of excavation and hazardous material removal?*
- *(JT) What entity is responsible for seeing that procedures of the RAM are followed? Is it the responsibility of: Robert H. Bird LSP No. 8972, 351 Summer LLC the owner, or the City of Somerville? The neighborhood has already observed many truckloads of uncovered contaminated soil from 343-349 Summer traveling through our streets last August (and September?).*
- *(JT) Who will supervise day to day monitoring of the "Dust Monitoring Plan" in appendix C of the RAM (page 177/284 and following)?*
- *(JT) Who will initiate the "Mitigation Measures" that are specified in appendix C when monitoring shows non-compliant measurements?*
- *(JT) Who determines that the "Mitigation Measures" have been successful and work can resume?*
- *(JT) If violations of procedures described in the RAM plan are observed by abutters and neighbors of this project, who or what agency can be addressed for immediate and effective action?*
- *(JT) On page 6 Section 6.0 Project Contacts, the following is stated: "The list of contact names and numbers will be submitted to, and maintained with, the Planning Department and the Ward Alderman prior to the start of construction. " Please see that this list is circulated at least to site abutters if not the entire neighborhood before excavation begins so that any complaints may be dealt with in a way that minimizes danger to all involved.*
- *(NI) 4.4 - Implementation schedule –*
 1. *Could timely notifications be provided to neighbors before site activities take place, so that we can shut our windows, expect activity or noise, watch for dust or take precautionary measures, etc. Summer 2017 is too vague a start date. Please also provide notification to neighbors/DEP when RAM activities end.*

2. Please provide contact information for questions or concerns from neighbors or in the event of an emergency. Who is the Project Manager?

- (CG) Will you give us and our neighbors the name and phone number of the site manager (or whoever is on call) so that we can call – and speak to a real person -- with concerns if, for instance, site work starts too early, goes on too late, or trucks leave the site uncovered?
- (CG) Likewise, can you please provide us and our neighbors with the name and direct number for the City employee whose job it is to oversee that this project and this developer is in compliance?
- (TB) How will the transportation company be monitored to ensure compliance with the stipulations of the plan? Will they be required to hold special licenses or certification for proper handling of contaminated soil?
- (TB) Who is supervising the RAM and cleanup process? Who can we contact in the event that we have questions or want to report issues?
- (GO) Who has liability for 343 and 351 currently? Who will have liability after issuance of a building permit? Who has indemnity for 343 and 351 currently? Who will have liability after issuance of a building permit?
- (CG) Who is in charge of the dust monitoring plan?

Contact information for the Responsible Party and Massachusetts Licensed Site Professional are included in Section 4.0 of the final RAM Plan. In addition, a toll free number [(877) 732-8997] has been established by the developer to serve as a clearinghouse for project-related questions and/or concerns. That number was distributed to the project mailing list by email on June 18, 2017.

GROUNDWATER FLOW AND CONTAMINANT TRANSPORT

- (MM) The neighborhood has asked repeatedly and never been given an understandable answer as to how the MBTA tunnel affects site drainage, surface or underground, and how this has been figured into the site excavation, drainage, contaminated soil or hazardous material handling, removal, storage or transportation from the site.
- (TB) In 2011, Mr Nangle recommended groundwater analysis to determine the flow of groundwater. Has this analysis been completed per his suggestion? What assurance can be provided that contaminants are not leaching into the groundwater beneath our neighborhood?

The specific impact of the MBTA tunnel on site drainage is not relevant to the implementation of the RAM Plan. The RAM Plan objective is to manage soil requiring off-site export for construction purposes in accordance with the requirements of the MCP. No site-related contaminants have been measured in groundwater at concentrations exceeding MCP reportable concentrations. Final evaluation of potential groundwater transport will be presented in a future Permanent Solution report.

GPR SURVEY AND UNDERGROUND STORAGE TANKS

- (JT) How will the results of the “ground penetrating radar” studies reported on in the RAM plan, which show several possible sites that may contain old underground storage tanks, be acted upon to prevent long term leakage and continuing contamination? Can someone provide us with a layperson’s explanation of what was in that report? How can we be confident that all substantial remaining UST’s are either non-existent or not leaking?

- (NI) How do we know that there are no USTs in that location in absence of GPS performed along the shared lot line of 36 Hawthorne Street and 343-349 Summer Street?
- (CG) What will be done if another underground storage tank is breached during excavation? Will we be alerted? If so, when and how?

Descriptions of the GPR survey and results, as well as procedures to investigate potential GRP signatures, are described in Sections 4.3.5 and 4.3.6, respectively, of the RAM Plan.

SITE ASSESSMENT AND RISK CHARACTERIZATION

- (JT) Since lead at 431 mg/kg and benzo(a)pyrene at 2.65 mg/kg are serious soil contaminants with severe public health consequences, why are there no additional measurements to be made concerning possible contamination that may be affecting abutters along the northern boundary with Hawthorne Street, and the eastern boundary on Summer Street?
- (JT) The development about to be undertaken at 343-351 Summer Street involves very serious soil contamination that needs remediation to protect: residential abutters and neighbors; on-site workers and; future residents of the new housing units. These dangerous conditions must be successfully alleviated where success is defined as “soil contamination well under standard accepted environmental safety levels.
- (BD) At the community meeting at the Kennedy Elementary School on May 17, it was explained that no soil testing had been conducted near the northern boundary of the property adjacent to residential properties because the brush had been too thick at the time of the surveys. (This area is marked as Brush Too Thick For Survey on the map on p. 284 of the Release Abatement Measure Plan.) In the meantime, the brush had been cleared from the site. After discussion at the meeting, there was general consensus that additional testing should be conducted in this area. Please assure that additional soil testing occurs in this area, and that results are shared with the community prior to any additional site work.
- (NI) We request groundwater, soils and GPS testing at rear lot line location (shared lot line of 36 Hawthorne and 343-349 Summer because the location is clearly a sensitive area relative to human health as per DEP standards.
 1. Please test 36 Hawthorne Street, rear lot line
 2. Please test both sides of the shared lot line of 343-349 Summer and 36 Hawthorne with Ground Penetrating Radar and groundwater monitoring and testing
- (NI) How can it be determined that said standards have been reached when a large portion of the land has not been included in the assessment?
- (NI) How do we know the shared lot line area on either side is not a Hot Spot?
- (NI) Page 10, 11.3 – Planned remedial activities to excavate impacted areas and dispose of impacted soil have omitted the soil along the shared lot line of 36 Hawthorne Street and 343-349 Summer Street. Please include the soil at the shared lot line in any testing or removal.
- (NI) Why is the disposal site boundary considered ‘preliminary’ on both RTNs? What could change about these boundaries and why?
- (KW/RS) We request further testing of the soil near the adjacent houses on Hawthorne Street, as has been requested by some of the neighbors.
- (CG) We request further soil testing as has been requested by some of our neighbors.

Delineation of the extent of contamination and evaluation of the total site risk posed to human health, public safety, welfare and the environment have not been completed and are not relevant to this RAM Plan. The RAM Plan is focused on the management of soil requiring export for construction purposes. Additional site investigations and/or soil remediation, if necessary to mitigate risk to human health, will be conducted prior to submittal of a Permanent Solution and documented therein.

For general information, it is important to note that groundwater flow on the subject property is generally southerly, from Hawthorne Street towards Summer Street, and away from the Hawthorne Street residences. Analyses of groundwater samples collected from site monitoring wells on two (2) occasions, has not identified any site-related contaminants at concentrations exceeding MCP reportable concentrations or Method 1 risk standards. This provides strong evidence that the soil contamination present on-site is not leaching to groundwater and migrating to any other location.

Furthermore, for the soil contamination present on site to pose a risk to human health, a pathway to exposure must exist. The most significant exposure pathways for soil contamination such as that present on-site is either ingestion or inhalation. The property is fenced to prevent access, so ingestion is unlikely, and dust mitigation and monitoring is being employed to eliminate the inhalation risk.

- *(KS/RS) The RAM plan states (4.3.4) that 14 soil samples were tested using “Toxicity Characteristic Leaching Protocol” under the Resource Conservation and Recovery Act (RCRA) and none of the results met the “hazardous waste criteria of 5.0 mg/l in TCLP leachate.” Nevertheless, Table 5 shows that soil bore test B102 had a level of 431 mg/kg which exceeds the Environmental Protection Agency’s (EPA) lead hazard standard for children under 6 years old, which is 400 parts per million.¹ The City of Somerville, the Massachusetts Department of Environmental Protection (DEP), the developer and consultants should proceed with a plan that acknowledges that the soil is hazardous to children under 6 years old, according to the EPA hazard standard.*

The application of the EPA Lead Hazard Standard for Children under 6 years old is not relevant to the RAM Plan objective of construction soil export. Furthermore, the EPA standard applies to “play areas of bare residential soil.” Prior to site closure, the site will be evaluated using the MassDEP risk characterization process, which includes a potential residential child exposure to the soil. As a point of reference, the MCP Method 1 risk standard for lead in residential soil is 200 mg/kg, or one-half the EPA Lead Hazard Standard. To achieve a Permanent Solution and site closure under the MassDEP regulations, the site must meet a condition of “No Significant Risk” for current and future activities and uses.

FOCUSED RISK ASSESSMENT

- *(NI) Questions correlated to Appendix D - Focused Risk Assessment in Support of Construction Release Abatement Measure:*
 1. *Tables on Page 3 has show the Hazard Index and Excess Lifetime Cancer Risk for a construction worker, a potential future resident, and a potential future trespasser. It is concerning to note that the future resident has 4x the cancer risk and hazards of the construction worker. Yet Mr. Bird’s plans address only the construction worker.*

2. a) Why is nothing stated in this plan about existing butters and neighbors of close proximity? Please provide the same cancer risk information for abutters and neighbors of close proximity. What are our risk assessment numbers for HI and ELCR?

The Focused Risk Characterization is just that, focused on the short-term risks within and adjacent to the building footprint and to construction workers, surrounding populations and future occupants. Evaluation of the long-term risk to abutters and neighbors is not relevant to the RAM Plan and will be performed and incorporated in future MCP submittals and/or a Permanent Solution.

- (KW/RS) In the Focused Risk Assessment's Data Usability Assessment Conclusion section (Appendix D, 5.7.1), it says that "it is the opinion of the Licensed Site Professional named herein that the analytical data obtained from samples collected during investigations associated with RTN 3-33735 and considered in the risk characterization meet CAM requirements," that is, the Compendium of Analytical Methods. RTN 333735 relates to 343- 349 Summer Street. RTN 3-0034098 covers 343 - 351 Summer Street. Where is the assurance that the data "to support this risk characterization," that is [No Significant Risk], includes 351 Summer Street?

RTN 3-34098 has been added to Section 5.7.1 of the Focused Risk Characterization included as Appendix D of the RAM Plan.

IMMEDIATE RESPONSE ACTION

- (NI) If 5 tons of soil was removed, why is there more to be removed?
- (NI) What are the dimensions of the oil spill causing the IRA? Are the limits of the plume area indicated in the RAM plan? If so, where, and, if not, could Mr. Bird please provide this information.
- (NI) Please explain what the green area (called test pits in Figure 2 legend) is. What was tested? Please explain what the circled area is (called preliminary disposal site). Is the green area in figure 2 where the oil spilled? Is the green area in figure 2 the extent of oil spill contamination?
- (GO) What depth underground was UST when struck on 343?
 1. how far northwards did the oil release spill ?

The details of the Immediate Response Action (IRA) are included in the IRA Plan and Completion Statement submitted to MassDEP on March 16, 2017.

MISCELLANEOUS

- (NI) 10.0 Other info – We request that, upon review of the initial draft RAM plan, the Mass DEP review and identify any other information or suggestions to help ensure health and safety for the neighbors and families regarding this clean up.
- (CG) Because our property (48 Hawthorne Street) abuts the construction site, we will undoubtedly be covered in dust before this project is complete. (I understand that you will wet the soil as it is removed but surely this will not prevent dust, dirt, and grime from spreading.) Will the developer establish an account with a local exterior home and window cleaning company with enough funds set aside so that those with property abutting the site can have their exteriors, including windows, cleaned afterward.
- (CG) Finally, can we have the developer's assurances that he will not cut down the trees growing on our back property line, shared with the VFW parking lot? The trees provide shade as well as a

much-appreciated visual buffer. With 29 condos being constructed a few feet from our house, we will soon be staring into the living quarters of dozens of new residents. For their sake and for ours, the trees provide a priceless sense of privacy in what is a stressful, cheek-to-jowl urban environment. Plus, they are habitat for the birds and squirrels that populate our back yard. I would like to meet with the developer personally, show him the trees, and get his assurances that the trees will not be taken down. I would like for the trees to be clearly marked with either tape or ribbons so that workers don't "accidentally" take them down

The above comments are not relevant to the RAM Plan and no modification to the plan was made.

- *(KW/RS) Why was a Notice of Responsibility (NOR) only issued by the DEP on RTN 3-33735 on May 26, 2017? And why is the content related to the oil spill on 343 Summer, when it was dealt with previously as RTN 3-0034098? Why was an NOR not issued to 351 Summer LLC on RTN 3-0034098? No NOR for RTN 3-0034098 has been posted to the DEP website, since the property changed hands.*

While not relevant to the RAM Plan, an NOR was issued to 351 Summer LLC for RTN 3-34098 on February 24, 2017.

ATTACHMENTS

Comment on the: ***Release Abatement Measure Plan May 18, 2017 (RAM) Produced by EnviroTrac, Ltd***

Need for Additional Testing Adjacent to Residential Properties

At the community meeting at the Kennedy Elementary School on May 17, it was explained that no soil testing had been conducted near the northern boundary of the property adjacent to residential properties because the brush had been too thick at the time of the surveys. (This area is marked as *Brush Too Thick For Survey* on the map on p. 284 of the Release Abatement Measure Plan.)

In the meantime, the brush had been cleared from the site. After discussion at the meeting, there was general consensus that additional testing should be conducted in this area.

Please assure that additional soil testing occurs in this area, and that results are shared with the community prior to any additional site work.

Thank you.

Submitted by:

Bob Dempkowski

39 Hawthorne Street

June 11, 2017



Robert H. Bird, LSP

From: Catherine Guthrie <cmguthrie@sbcglobal.net>
Sent: Sunday, June 11, 2017 10:22 PM
To: Robert H. Bird, LSP; Iris Davis (DEP); Karen Stromberg; Jeffrey Nangle
Cc: Catherine Guthrie; Joe Tierney; bob dempkowski; Tomas Bok; philip groth; Mary Gray; Vito Lore; Denise Provost - Rep. (HOU); Lance Davis; GProakis@somervillema.gov; Karina Wilkinson; Bill White; Dennis Sullivan; Carol Dempkowski; oshea-iappini@rcn.com
Subject: Public comment on 343-349 & 351 Summer St Somerville (RTN 3-33735 and 3-34098)

Hi All,

Here are comments and questions from our household at 48 Hawthorne Street. I hope this isn't too casual given what else I've seen today!

Comment on 343 & 351 Summer Street Draft Release Abatement Measure Plan

Our property at 48 Hawthorne Street abuts this site, so we have several questions/comments:

Will you give us and our neighbors the name and phone number of the site manager (or whoever is on call) so that we can call – and speak to a real person -- with concerns if, for instance, site work starts too early, goes on too late, or trucks leave the site uncovered?

Likewise, can you please provide us and our neighbors with the name and direct number for the City employee whose job it is to oversee that this project and this developer is in compliance?

What will be done if another underground storage tank is breached during excavation? Will we be alerted? If so, when and how?

We request further soil testing as has been requested by some of our neighbors.

Who is in charge of the dust monitoring plan?

I'd like to reiterate Joseph Tierney's request for clarification on how you got to the 8,000 cubic yards of soil number. Could you please explain?

I'd also like to underscore Karina Wilkinson's request that construction abides by the City's noise ordinance of starting no earlier than 9am on Saturdays and no work on holidays. And that no truck trips take place during morning rush hour, from 7am to 9am. Per the traffic management plan, the trucks will exit down Willow Ave or (worse) through the middle of Davis Square to reach Dover. Both routes are typically extremely busy during rush hour leading to multi-block back ups. Running trucks during morning rush hour will result in idling as the trucks inevitably sit in morning traffic. The City could easily avoid this scenario by limiting the hours drivers are allowed to make trips.



The next two points stray from the RAM plan but are important to us nonetheless so we are mentioning them here:

Because our property (48 Hawthorne Street) abuts the construction site, we will undoubtedly be covered in dust before this project is complete. (I understand that you will wet the soil as it is removed but surely this will not prevent dust, dirt, and grime from spreading.) Will the developer establish an account with a local exterior home and window cleaning company with enough funds set aside so that those with property abutting the site can have their exteriors, including windows, cleaned afterward.

Finally, can we have the developer's assurances that he will not cut down the trees growing on our back property line, shared with the VFW parking lot? The trees provide shade as well as a much-appreciated visual buffer. With 29 condos being constructed a few feet from our house, we will soon be staring into the living quarters of dozens of new residents. For their sake and for ours, the trees provide a priceless sense of privacy in what is a stressful, cheek-to-jowl urban environment. Plus, they are habitat for the birds and squirrels that populate our back yard. I would like to meet with the developer personally, show him the trees, and get his assurances that the trees will not be taken down. I would like for the trees to be clearly marked with either tape or ribbons so that workers don't "accidentally" take them down.

Submitted June 11, 2017

Mary Gray, 48 Hawthorne Street, Somerville, MA

Catherine Guthrie, 48 Hawthorne Street, Somerville, MA

Robert H. Bird, LSP

From: oshea-iappini@rcn.com
Sent: Sunday, June 11, 2017 11:02 PM
To: iris davis; Robert H. Bird, LSP; Karen Stromberg
Cc: oshea-iappini
Subject: PIP Questions

Evening,

Who has liability for 343 and 351 currently? Who will have liability after issuance of a building permit?² Who has indemnity for 343 and 351 currently? Who will have liability after issuance of a building permit?

What depth underground was UST when struck on 343?
how far northwards did the oil release spill ?

Why is only 18 inches of 343-349 to be removed
Since all contaminated soil is not being removed How much contamination will be left at the 343-349 Summer Street
What is the toxicity of soil left ?

Regards,

George O'Shea

1.

3.



Questions based on the: **Release Abatement Measure Plan May 18, 2017 (RAM)**
Produced by EnviroTrac, Ltd

The site to which the above RAM is directed consists of two parcels referred to as "351 Summer Street" and "343-349 Summer Street". A Release Tracking Number (RTN) 3-33735 report exists for 343-349 Summer, and a RTN 3-34098 exists for 351 Summer. It is clear from the past use of these two parcels for automotive related activities, (gasoline filling station in the case of 351, and auto repair including storage of fuel and other hydrocarbon based liquids at 343-349), that both parcels have been subject to possible soil contamination processes in their history.

At the present time the subject RAM deals with a more recent accidental oil spill (343-349 Summer, RTN 3-33735) as well as measured contamination from lead and benzo(a)pyrene exceeding MCP RCS-1 levels (351 Summer, RTN 3-34098).

Questions:

1. The remediation work described in the RAM describes the work in response to RTN 3-33735 as a result of a damaged underground storage tank, (e.g. removal and testing of 8,000 cubic yards of contaminated soil), but what is the detailed response to RTN 3-34098 and the measured contamination at 351 Summer?
2. What entity is responsible for seeing that procedures of the RAM are followed? Is it the responsibility of: Robert H. Bird LSP No. 8972, 351 Summer LLC the owner, or the City of Somerville? The neighborhood has already observed many truckloads of uncovered contaminated soil from 343-349 Summer traveling through our streets last August (and September?).
3. How will the results of the "ground penetrating radar" studies reported on in the RAM plan, which show several possible sites that may contain old underground storage tanks, be acted upon to prevent long term leakage and continuing contamination? Can someone provide us with a layperson's explanation of what was in that report? How can we be confident that all substantial remaining UST's are either non-existent or not leaking?
4. Since lead at 431 mg/kg and benzo(a)pyrene at 2.65 mg/kg are serious soil contaminants with severe public health consequences, why are there no additional measurements to be made concerning possible contamination that may be affecting abutters along the northern boundary with Hawthorne Street, and the eastern boundary on Summer Street?
5. Who will supervise day to day monitoring of the "Dust Monitoring Plan" in appendix C of the RAM (page 177/284 and following)?
6. Who will initiate the "Mitigation Measures" that are specified in appendix C when monitoring shows non-compliant measurements?

7. Who determines that the “Mitigation Measures” have been successful and work can resume?
8. If violations of procedures described in the RAM plan are observed by abutters and neighbors of this project, who or what agency can be addressed for immediate and effective action?
9. Appendix D, “Focused Risk Assessment,” is aimed at protecting workers on-site at 343-351 Summer Street. Where are similar descriptions of the precautions that need to be taken to protect abutters on Hawthorne and Summer Streets, during the construction period and following?
10. The development about to be undertaken at 343-351 Summer Street involves very serious soil contamination that needs remediation to protect: residential abutters and neighbors; on-site workers and; future residents of the new housing units. These dangerous conditions must be successfully alleviated where success is defined as “soil contamination well under standard accepted environmental safety levels.

Questions based on the: **Traffic Management Plan May 26, 2017 (TMP)**
Produced by EnviroTrac, Ltd

1. The amount of soil to be remediated because of the presence of Lead (level on 351 Summer at 431 mg/kg), and benzo(a)pyrene (level on 351 Summer at 2.7mg/kg) by supervised removal to approved off-site locations is not clearly spelled out. At the top of page 2 the TMP states: “Therefore, the preliminary Disposal Site Boundary for this RTN encompasses the entirety of both the 343-349 and 351 Summer Street parcels from ground surface to a depth of approximately 15 feet bgs and is depicted on **Figure 2**. “ following up on this statement will produce (at 0.93 acres for the two lots, and a depth of 15 feet), 22,506 cubic yards of soil. If all of this soil needs to be carefully transported elsewhere for disposal it will require (at 15 cubic yards per three axle truckload) 1500 truck trips. Can you please go from that figure and show clearly how it has been determined that only 8,000 cubic yards of soil need to be transported off-site without exposing abutters, workers on the site, and final occupants of the project, to serious hazard?
2. To preclude three axle trucks from wandering in the vicinity of Powderhouse and Davis Squares and Mystic Avenue, because of the ambiguous or incorrect directions let me offer the following corrections:
In the first section “Access route to the project site” line 1. Should indicate Exit 31 South, not Exit 30. Line 3. Should be augmented to indicate “continue straight across Powderhouse Square onto College Avenue” In the section “egress from the project site” line 4. Should read “travel for 0.22 miles to Powderhouse Square”. Line 5. Should read “turn right onto Warner Street” I don’t believe it is called Harvard St. at that place.
3. On page 6 Section 6.0 Project Contacts, the following is stated: “The list of contact names and numbers will be submitted to, and maintained with, the Planning Department

and the Ward Alderman prior to the start of construction. " Please see that this list is circulated at least to site abutters if not the entire neighborhood before excavation begins so that any complaints may be dealt with in a way that minimizes danger to all involved.

**Submitted by Joseph Tierney, 35 Hawthorne Street Unit 2, Somerville.
June 10, 2017**



Robert H. Bird, LSP

From: Marc Maxwell <marcamaxwell@gmail.com>
Sent: Thursday, June 08, 2017 2:48 PM
To: Robert H. Bird, LSP
Cc: Karen.Stromberg@state.ma.us; GProakis@somervillema.gov
Subject: Re: 343-351 Summer Street RAM Comments

Bob: Thank you for your neighborhood presentation a few weeks ago. In regard to the RAM and site excavation, clearing and Hazardous Materials removal from the 343-351 Summer Street site, I wish to offer the following comments:

I am a near abutter to the property, living and owning the two family house at 18-20 Windom Street, Somerville, MA. I am concerned about both the RAM and the Construction Management Plan for the proposed development of the Summer Street site. Your presentation brought to the forefront the magnitude of the excavation and hazardous materials removal contemplated for the site. My concerns include:

1. How the hazardous and non-hazardous materials will be excavated from the site and the amount of dust, mud and debris that may be made friable, liquid or dry dust limited from migrating off the site. How will such potentially hazardous dust and debris be controlled?
2. What procedures will be put in place to assure that proper dust, mud and debris mitigation is in fact the rule on the site to minimize exposure to the neighborhood?
3. What procedures and compliance methods will be put in place to keep dust, dirt, mud and potential water run-off from migrating onto the public streets and sidewalks surrounding the site? Who and how should we inform in case we have concerns or evidence of non-compliance or unintended dust or run-off?
4. What is the route on and off the site for the myriad of trucks and heavy equipment that will be required to execute this excavation and hazardous material removal? While there are only so many options for public streets surrounding and accessing the site, those of us who live on the small one way surrounding streets fear the traffic, dust and dirt of 400 +/- triple axle dump trucks traversing our residential streets. My personal fear is that Windom Street will be used a short cut to turn right on Elm Street, to Cutter to Highland Avenue for trucks headed towards I-93 to the north. Vehicles darting across Summer Street from the Post lot to Windom Street is already a problem.
5. Will a washing station be provided on site for hosing down wheels and undercarriages of trucks and equipment leaving the site?
6. How will dirty, muddy, soil rich or contaminated water be handled from the site (either from a washing station or simply from rain) without running into Summer Street, gutters and curbs, and the surrounding storm drainage system?
7. Will duct covers be required for clean fill, contaminated soils and hazardous materials departing the site and traveling through our thickly settled residential neighborhoods?
8. Who will insure compliance with approved procedures?
9. Will hazardous or contaminated materials ever be excavated and stored on site? If so, what measures will be taken to assure minimal exposure to residents abutting the site or pedestrians traversing the neighborhood?
10. The neighborhood has asked repeatedly and never been given an understandable answer as to how the MBTA tunnel affects site drainage, surface or underground, and how this has been figured into the site excavation, drainage, contaminated soil or hazardous material handling, removal, storage or transportation from the site.



11. Who will be our contact to report issues we feel make the neighborhood unsafe during this process of excavation and hazardous material removal?

Thank you in advance for your assistance on these questions and issues and for your continued consideration of the health, safety and well-being of the neighborhood.

Sincerely,

Marc Maxwell

18-20 Windom Street

Somerville, MA 02144

617.623.3366

On 5/30/2017 9:52 AM, Robert H. Bird, LSP wrote:

Hi Marc,

You can send you comments to me by email with a copy to Karen Stromberg of MassDEP (Karen.Stromberg@state.ma.us) or by First Class or Registered Mail to the address in the footer.

Thank you for your courtesy,

Bob

-----Original Message-----

From: Marc Maxwell [<mailto:marcamaxwell@gmail.com>]
Sent: Tuesday, May 30, 2017 9:20 AM
To: Robert H. Bird, LSP <robertb@envirotrac.com>
Subject: 343-351 Summer Street RAM Comments

Bob: I attended the public meeting regarding this project and wanted to send comments. Can you help me out with where public comments are to be sent. The State DEP website was down over the weekend when I tried to find it. Thanks,
Marc

Robert H. Bird, LSP | Principal Hydrogeologist | EnviroTrac Ltd. | 2 Merchant Street Suite 2, Sharon MA 02067
781.793.0074 (Office) | 781.793.7877 (Fax) | 508.244.7111 (Cell) |
robertb@envirotrac.com |
vCard<<http://www.envirotrac.com/vcard/RobertBird.vcf>>

Solutions in Action - <http://www.envirotrac.com>

[<http://www.envirotrac.com/imgs/email.jpg>]
[<http://www.envirotrac.com/imgs/isn.gif>]
[<http://www.envirotrac.com/imgs/pics.jpg>]
[<http://www.envirotrac.com/imgs/twic.jpg>]



Response to RAM Draft Plan for 343-349 and 351 Summer Street, Somerville, MA

Mass DEP RTC 3-33735 and 3-34098

By Nancy Iappini, 36 Hawthorne Street, Somerville, MA, 02144

June 10, 2017

I. Tests requested

- 1) We request groundwater, soils and GPS testing at rear lot line location (shared lot line of 36 Hawthorne and 343-349 Summer because the location is clearly a sensitive area relative to human health as per DEP standards.
 - a) Please test 36 Hawthorne Street, rear lot line - The nature and extent of IRA-related conditions has not been adequately addressed. As abutters to 343-349 where a sudden release of oil occurred in August 2016, my family and I request that Mr. Bird test the soil and groundwater on my property to substantiate his statement that my land has not become contaminated by either said release or other pre-existing environmental conditions. Mr. Bird has refused to test my property and has not produced evidence to corroborate his position that my property was not contaminated when the oil tank was ruptured by his client. Could Mr. Bird please render his professional opinion and a binding statement of fact that my property has not become contaminated.
 - b) Please test both sides of the shared lot line of 343-349 Summer and 36 Hawthorne with Ground Penetrating Radar and groundwater monitoring and testing - Mr. Bird stated at the PIP meeting that GPS and groundwater testing has not been done on 343-349 Summer Street at the shared lot line. Figures 1 and 2 in Mr. Bird's RAM draft indicate the same.

Mr. Bird avoided my questions at the PIP meeting about testing at the rear property line. He stated his refusal to test groundwater there, but Mr. Nangle stood and requested that he do so. The Geophysical Survey for USTs indicates that no testing was done at my property line due to "brush too thick" (as noted in RAM plan's GPS survey Figures 1 and 2, site maps). This leaves a large area of untested soil and groundwater on the IRA parcel of 343-349 Summer Street, which is unacceptable for the health and safety of my family. This leaves a large gap in the data gathered for this parcel which could greatly affect or alter the RAM plan tasks outlined. We expect an LSP to have a thorough and systematic approach to testing all the land, and it is more than reasonable to perform this testing on both sides of the lot line. Everywhere on the site has been tested site except for this one location.

Contrary to the Geophysical survey claim that there was "too much brush," please see my Exhibit 1 containing a) photos taken on April 25, 2017 illustrating the bulldozed lot, thereby removing all brush in order to conduct GPS. No brush was in the way for HGI to do their work at the rear, shared property line on 343-349 Summer; and b) emails to me from Mr. Maggiore, developer and Mr. Proakis, City of Somerville confirming that the lot was being cleared in order to perform GPS. The Hager GeoScience Inc Geophysical Survey for USTS of May 16, 2017 attached to the RAM plan falsely indicates brush too thick. It is a flagrant abdication of duty that Mr. Bird did not test there and that Mr. Nangle did not require it. Absence of testing at that location denies us knowledge of contamination status and whether there are any USTs in that location. Because no thick brush is or was present to cause any impediment to access this location and for the sake of health and safety we request GPS testing be done on both



sides of the shared lot line before construction commences, with results shared and incorporated into the RAM plan.

Mr. Bird had received the GPS test results the morning of the PIP meeting but decided against bringing them to the PIP meeting, despite their obvious importance and relevance. This tactic denied the public the opportunity to discuss the results of GPS at the PIP meeting.

My rear property line could be an area of potential suspected impact. To fully assess potential human exposure for abutters from the soil present or migrating from the site, the tests requested above must be performed. It is a fact that residents and trespassers may encounter soil COCs present in or migrating from the Site during redevelopment.

Additionally, due to Mr. Bird's confirmation that the direction of the groundwater on the site is unknown (a statement corroborated by MBTA engineers and the City of Somerville Engineer Robert King and Planning Director George Proakis), excluding precise tests at the rear lot line is a serious oversight for full disclosure. Can successful site cleanup without harm to abutters be substantiated with data with such a large area of the site is excluded from testing; if so how?

- c) How can it be determined that said standards have been reached when a large portion of the land has not been included in the assessment? (as per page 9, 11.1 Site Assessment (310 CMR 40.0442(3)(a) of RAM plan). The portion of land at the shared lot line has been excluded from the site assessment area, calling into question how the technical standards set forth in 310 CMR 40.0800 and 40.900 can be considered to be achieved.
- d) How do we know that there are no USTs in that location in absence of GPS performed along the shared lot line of 36 Hawthorne Street and 343-349 Summer Street?

Any known conditions could be further exacerbated by unknown conditions as a result of the fact that these tests were not performed at the rear lot line. This could lead to a failure to sufficiently evaluate conditions or skew findings by excluding this one certain physical area (i.e., the rear lot line) repeatedly from Mr. Bird's tests.

- e) How do we know the shared lot line area on either side is not a Hot Spot?

II. Questions correlated to main RAM plan document

1. Questions correlated to statements in draft Release Abatement Measure Plan main document:

- a) p. 6, 4.3.2 – Onsite Reuse, Transport and Reuse, of Off-site Soil Disposal: Will contaminated soil be reused on site?
- b) p. 6, 4.3.3 & 4.4 – Stockpiling, Toxicity Characteristic
 - It appears on Figure 2 Site Plan that close to 30 soil borings were performed but only 14 soil samples submitted for TCLP lead analysis – why, and why were they submitted only for lead since there are other toxins exceeding reportable conditions? Will the complete set of soil samples be submitted for analysis? If they have already been, please share results with neighbors/DEP.
 - Will stockpiling of contaminated soil take place? If so when and for how long?
If it is allowed, we request that it be located on 351 Summer Street near the VFW building, not near the rear property line of Hawthorne Street, not near humans and domestic animals.
Will it be transported offsite; if so at what point, and if not, why not. Will there be onsite reuse of contaminated soil; if so, why and where will the contaminated soil to be reused be located? How is



it determined to be safe enough to be below reportable levels? We request sampling of stockpiled soil please and share results with neighbors/DEP.

c) 4.4 - Implementation schedule –

- Could timely notifications be provided to neighbors before site activities take place, so that we can shut our windows, expect activity or noise, watch for dust or take precautionary measures, etc. Summer 2017 is too vague a start date. Please also provide notification to neighbors/DEP when RAM activities end.
- Please provide contact information for questions or concerns from neighbors or in the event of an emergency. Who is the Project Manager?

d) 5.2 – Similar Soils Management

- Has a disposal facility approved under MSRs been identified that will take the soil – who is it?
- Who determines whether the soil is suitable or unsuitable for construction or redevelopment?
- How is it determined?

- e) 10.0 Other info – We request that, upon review of the initial draft RAM plan, the Mass DEP review and identify any other information or suggestions to help ensure health and safety for the neighbors and families regarding this clean up.
- f) Page 10, 11.3 – Planned remedial activities to excavate impacted areas and dispose of impacted soil have omitted the soil along the shared lot line of 36 Hawthorne Street and 343-349 Summer Street. Please include the soil at the shared lot line in any testing or removal.

III. Questions correlated to RAM Plan Addendums, tables, figures, appendices

1. Questions correlated to Figure 2 = Site Plan:

- Why is the disposal site boundary considered ‘preliminary’ on both RTNs? What could change about these boundaries and why?
- If 5 tons of soil was removed, why is there more to be removed?
- We request that the soil management plan and traffic management plan by Mr. Bird be part of the RAM plan.
- What are the dimensions of the oil spill causing the IRA? Are the limits of the plume area indicated in the RAM plan? If so, where, and, if not, could Mr. Bird please provide this information.
- Please explain what the green area (called test pits in Figure 2 legend) is. What was tested? Please explain what the circled area is (called preliminary disposal site). Is the green area in figure 2 where the oil spilled? Is the green area in figure 2 the extent of oil spill contamination?

2. Appendix B Health and Safety Plan –

- Page 8 references potential heat stress conditions in warmer weather. Please tell me how your work plan and mitigation techniques help my domestic pets (and me and my family when we are home during site activities) with heat stress when we have to be in an enclosed indoor environment due to the clean up?

3) Appendix C Dust and Vapor Monitoring Plan - Do not offer much about dust control and protection to the residents.

- What will be done on a windy day?
- What type of barrier will be put up to protect families especially abutters at the rear shared lot line?
- Are vapors expected to be a problem for this site? Do they exist? Will they occur?
- Page 1, 1.0 - Please provide a more specific ‘schedule for work to be conducted’ at the site in the RAM



- e) Please describe how the water or foam is applied to suppress vapor and dust?
 - f) Why is the word "Vapor" not included in the title of this attachment? What vapors are expected, as noted in 3.0 Mitigation Measures on p.2?
 - g) We request that neighbors/DEP be timely informed of the perimeter monitoring levels for air and dust and vapors. What is considered an elevated dust particle concentration? What is considered an elevated vapor concentration?
 - h) Would vapor reduction measures along the rear property line be included? If not, please explain why not. If so, please state what they will be and who is in charge of running them and reporting on their results;
 - i) Section 1.1 Dust monitoring - Hours of site work are suggested to be 7 am to 5 pm daily except Sundays. If site work results in dust moving around up till, for example, 5 pm daily, but monitoring is stopped at 5 pm because the workers are done for the day, will the dust take time to settle? If so we request monitoring during that settle period. Will work cease before 5 pm to stop dust movement? How can watering down get particles that have not yet settled if workers depart?
- 4) Questions correlated to Appendix D - Focused Risk Assessment in Support of Construction Release Abatement Measure:
- Tables on Page 3 has show the Hazard Index and Excess Lifetime Cancer Risk for a construction worker, a potential future resident, and a potential future trespasser. *It is concerning to note that the future resident has 4x the cancer risk and hazards of the construction worker.* Yet Mr. Bird's plans address only the construction worker.
- a) Why is nothing stated in this plan about existing butters and neighbors of close proximity? Please provide the same cancer risk information for abutters and neighbors of close proximity. What are our risk assessment numbers for HI and ELCR?



Exhibit 1**RCN Webmail****oshea-iappini@rcn.com****RE: Hi Matt - what is the work being done today on the lot?****From :** Matt Maggiore <matt@maggiorecos.com>

Tue, Apr 25, 2017 03:56 PM

Subject : RE: Hi Matt - what is the work being done today on the
lot?

1 attachment

To : oshea-iappini@rcn.com

Hi Nancy

We are cleaning up debris and overgrowth.

My site crew is 100% fully aware of the plan adjacent to your property line. All we are doing there is cutting down the weeds and brush on our side of the fence.

No heavy equipment will be in that area. I promise!

Thanks

Matt

MATTHEW P. MAGGIORE, PRESIDENT
THE MAGGIORE COMPANIES
Office 781 935 6100
Cellular 781 718 2005
Fax 781 933 8044
matt@maggiorecos.com
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From: oshea-iappini@rcn.com [mailto:oshea-iappini@rcn.com]**Sent:** Tuesday, April 25, 2017 3:33 PM**To:** Matt Maggiore <matt@maggiorecos.com>**Subject:** Hi Matt - what is the work being done today on the lot?



thank you.
Nancy



image001.jpg

13 KB



RCN Webmail

oshea-iappini@rcn.com

Re: Pics of Bulldozed lot**From :** George Proakis <GProakis@somervillema.gov>

Tue, Apr 25, 2017 09:51 PM

Subject : Re: Pics of Bulldozed lot**To :** oshea-iappini@rcn.com, Kelly Como
<KComo@somervillema.gov>**Cc :** Goran Smiljic <gsmiljic@somervillema.gov>, Hans
Jensen <hjensen@somervillema.gov>

Hi Nancy,

It is my understanding that the builder is clearing brush and fences in preparation for conducting Ground Penetrating Radar (GPR) tests on the site. Although GPR is not a requirement at this time for our local permits or state review, the applicant determined that it would be prudent to do the testing and collect the results prior to the PIP meeting. To complete GPR they are required to clear some trees and fences.

No building permit is required for this work. ISD is aware of the work. As you know, no building permit has been issued at this time.

Thanks,
George

From: oshea-iappini@rcn.com <oshea-iappini@rcn.com>**Sent:** Tuesday, April 25, 2017 3:58 PM**To:** George Proakis; Kelly Como**Subject:** Fwd: Pics of Bulldozed lot

George and Goran,

The neighbors want to know what is going on the lots at 351 and 343-349 Summer Street?! No building permit has been issued according to ISD. Environmental remediation and clean up not completed. Who is doing this work and what is the goal of it?

thank you,
Nancy Iappini























Robert H. Bird, LSP

From: Tomas Bok <tomas.j.bok@gmail.com>
Sent: Sunday, June 11, 2017 10:25 PM
To: Iris Davis (DEP); Robert H. Bird, LSP
Cc: oshea-iappini@rcn.com; Karen Stromberg; Denise Provost - Rep. (HOU); Lance Davis; GProakis@somervillema.gov; Karina Wilkinson; Bill White; Dennis Sullivan; Jeffrey Nangle
Subject: Re: RAM Plan - public comments - 343-349 & 351 Summer St Somerville (RTN 3-33735 and 3-34098)

I live at 335 Summer Street, on the same block as the 343-351 Summer Street site, and I would like to submit public comments on the RAM.

As the parent of 2 young children, I am concerned about the potential for hazardous compounds from the site to affect my property during excavation and transportation of contaminated soil. I want to inquire about the safe transportation of soils containing carcinogens such as benzo(a)pyrene. As dump trucks load at the site and drive past my house, what measures will be in effect to control/contain dust and contaminants from the soil so that they don't end up in my yard where my children play? And with all of the vehicle traffic and the need to wash tires of every vehicle, what measures will be used to prevent contaminants from migrating to the street, sidewalk, and gutter?

In 2011, Mr Nangle recommended groundwater analysis to determine the flow of groundwater. Has this analysis been completed per his suggestion? What assurance can be provided that contaminants are not leaching into the groundwater beneath our neighborhood?

How will the transportation company be monitored to ensure compliance with the stipulations of the plan? Will they be required to hold special licenses or certification for proper handling of contaminated soil?

Who is supervising the RAM and cleanup process? Who can we contact in the event that we have questions or want to report issues?

Respectfully,

Tomas Bok
335 Summer Street
Somerville MA 02144
tomas.j.bok@gmail.com

On Sun, Jun 11, 2017 at 7:38 PM, <oshea-iappini@rcn.com> wrote:

Good evening,

Please find attached my comments. I look forward to your response.

Nancy Iappini
36 Hawthorne Street



Comment on 343 & 351 Summer Street Draft Release Abatement Measure Plan

The draft Release Abatement Measure plan covers two parcels referred to as “351 Summer Street” and “343-349 Summer Street.” Through a public records request, I also obtained EnviroTrac’s Traffic Management Plan (TMP), dated May 26, 2017 (attached).

My concerns and requests related to the RAM and TMP plans are as follows:

- 1) The RAM plan states (4.3.4) that 14 soil samples were tested using “Toxicity Characteristic Leaching Protocol” under the Resource Conservation and Recovery Act (RCRA) and none of the results met the “hazardous waste criteria of 5.0 mg/l in TCLP leachate.” Nevertheless, Table 5 shows that soil bore test B102 had a level of 431 mg/kg which exceeds the Environmental Protection Agency’s (EPA) lead hazard standard for children under 6 years old, which is 400 parts per million.¹ The City of Somerville, the Massachusetts Department of Environmental Protection (DEP), the developer and consultants should proceed with **a plan that acknowledges that the soil is hazardous to children under 6 years old, according to the EPA hazard standard.**
- 2) The preliminary Disposal Site Boundary as outlined in Section 2.2 of the RAM for Release Tracking Number (RTN) 3-34098 includes all .93 acres of the two properties and goes to 15 feet down. That encompasses some 22,500 cubic yards of soil, not including the 5 tons that were removed following the oil spill that occurred on 343-349 Summer Street on August 8, 2016. *How was it determined that 8,000 cubic yards should be removed?* That leaves some 14,500 cubic yards of soil, which contains lead, benzo(a)pyrene and polycyclic aromatic hydrocarbons in reportable concentrations.
- 3) In the TMP, it is stated there will be approximately 400 to 600 truckloads of excess soil (3.2.3) that will be transported from 7am to 3pm, except Sunday. In the “Hours of Operation” section, it is stated that “If work is to be done on Saturdays or state/federal holidays that work shall not begin before 8:00am.” The consultant is mistaken about the current construction noise ordinance for the City of Somerville which provides that construction can start **no earlier than 9am on Saturdays, and no work can be done on holidays.**
- 4) Diesel truck trips contribute to air pollution. We request that **no truck trips take place during the weekday rush hour from 7am to 9am.** Rush hour will increase the time it takes for the trucks to get to the site and, therefore, increase the concentrations of ground-level ozone and fine particulate matter generated by the trucks. Both ozone and particulate matter are regulated by the Clean Air Act, because they negatively impact the health of people with respiratory problems, including asthma, and particulate matter additionally negatively impacts the health of people with heart disease. The EPA has set a standard for “Good” air quality at an Air Quality Index (AQI) from 0 to 50 for both ozone and particulate matter. Because of the likelihood that 15 to 30 truck trips per day will contribute to ground-level ozone and particulate matter (assuming that the transport is distributed evenly over the 20 to 30 work days), we request that **no trips be allowed on days when the DEP is forecasting an AQI above 50 for either ozone or**

¹ P. 1211, EPA 40 CFR Part 745 Lead; Identification of Dangerous Levels of Lead, available at: <https://www.gpo.gov/fdsys/pkg/FR-2001-01-05/pdf/01-84.pdf>

² The two remaining categories are “Very Unhealthy” (201 to 300) and “Hazardous” (301 to 500).



particulate matter, since the truck exhaust could push the area from “Moderate” (51 to 100) into “Unhealthy for Sensitive Individuals” (101 to 150) or “Unhealthy” (151 to 200).² Also, the soil excavation itself will contribute dust particles on top of the diesel exhaust from the trucks. Without conducting a systematic survey of the neighbors, we are nevertheless aware of 6 neighbors within approximately 350 feet of the location with asthma or respiratory problems. Three of them are children and one senior adult has severe asthma.

- 5) *At peak staffing, where will the construction workers’ vehicles be parked? What commitment is the developer willing to make beyond “encouraging carpooling”? (TMP 3.2.1)*
- 6) *Where will the trucks be staged for deliveries?* The TMP outlines an area in Medford to stage the trucks for the soil excavation but does not mention where the delivery trucks will be staged. **Trucks should not be allowed to idle.** We request that deliveries be on a “just in time” basis to the site and there be **limitations on the timing of deliveries to avoid peak traffic periods.** (3.2.2)
- 7) We request further **testing of the soil near the adjacent houses on Hawthorne Street**, as has been requested by some of the neighbors.
- 8) In the Dust Monitoring Plan (Appendix C, 2.1 Daily Monitoring), it needs to be clarified that **daily monitoring will take place during excavation** as well as for “the duration of construction.” As air samples will be taken daily, they should include **tests for ground-level ozone and fine particulate matter** to determine whether the work is bringing the neighborhood to unhealthy levels as discussed in point 4.
- 9) In the Focused Risk Assessment’s Data Usability Assessment Conclusion section (Appendix D, 5.7.1), it says that “it is the opinion of the Licensed Site Professional named herein that the analytical data obtained from samples collected during investigations associated with RTN 3-33735 and considered in the risk characterization meet CAM requirements,” that is, the Compendium of Analytical Methods. RTN 3-33735 relates to 343- 349 Summer Street. RTN 3-0034098 covers 343 - 351 Summer Street. *Where is the assurance that the data “to support this risk characterization,” that is [No Significant Risk], includes 351 Summer Street?*
- 10) *Why was a Notice of Responsibility (NOR) only issued by the DEP on RTN 3-33735 on May 26, 2017? And why is the content related to the oil spill on 343 Summer, when it was dealt with previously as RTN 3-0034098? Why was an NOR not issued to 351 Summer LLC on RTN 3-0034098? No NOR for RTN 3-0034098 has been posted to the DEP website, since the property changed hands.*

Submitted June 11, 2017

Karina Wilkinson, 35 Hawthorne Street Unit 1, Somerville, MA.

Roger Schwarzschild, 35 Hawthorne Street Unit 1, Somerville, MA

² The two remaining categories are “Very Unhealthy” (201 to 300) and “Hazardous” (301 to 500), available at: <https://airnow.gov/index.cfm?action=aqibasics.aqi>



